IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7619 OF 2004

Shri Pandurang Dnyanu Mane, .. Petitioner.

Vs

Shri Jaywant Yashwant Jadhav & ors. .. Respondents

Mr R.V.More, for the petitioner.

Mr Milind Deshmukh, for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 15th September, 2004.

PC:

1. This petition is directed against the order dated 7.8.2004 passed by the II Adhoc Additional District Judge, Sangli below Exhibit-7 application filed in Regular Civil Appeal No.150 of 2004, by which the application has been rejected. Exhibit-7-application was filed seeking stay to the Regular Darkhast No.8 of 2002 pending disposal of the Regular Civil Appeal No.150/2004.

2. I heard the learned counsel for the parties There does not seem to be any dispute that Regular Darkhast No.8 of 2002 pending in the Court of the Civil Judge, Jr Dn., Tasgaon had been stayed pending disposal of Regular Civil Suit No.92/2002. The suit came to be dismissed on 6.7.2004. The petitioner carried the impugned judgment of the trial Court in Appeal, bearing Regular Civil

Appeal No.150/2004. Pending the Appeal, Exhibit-7 application was filed by the petitioner seeking stay to Regular Darkhast No.8/02. The said Darkhast is arising out of an old suit which had ended in the compromise decree dated 27.9.2001.

3. Keeping in view the peculiar facts and circumstances of the case, in my opinion, instead of examining the merits of the case at this stage, the appropriate course would be to direct the Appellate Court to dispose of Regular Civil Appeal No.150 of 2004 within timeframe and till then continue the stay of Regular Darkhast No.8/2002 that was granted pending Regular Civil Suit No.92/2002. Hence, I pass the following order.

(i) The stay, that was granted pending Regular Civil Suit No.92 of 2002, shall remain operative till the disposal of Regular Civil Appeal No.150 of 2004. The Appellate Court shall dispose of the said Appeal (R.C.A.No.150/2004) on merits in accordance with law as expeditiously as possible and preferably within a period of three months from the date of receipt of this order. The petitioner is directed to communicate a copy of this order to the appellate court within two weeks from today.

(ii) While passing this order, I shall not be understood to have examined the merits of the case.

. The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)